

HIGGINS NOT
YET READY TO
AID PATRICK

Governor Declares He Has
Made No Promise to
Commute Sentence.

COULD NOT ACT NOW.

Has Had No Notice that the
Lawyer Has Withdrawn
His Appeal.

Scanned by the Evening World
ALBANY, Nov. 26.—Gov. Higgins said
to-day that while he might interfere to
save the life of Albert T. Patrick, the
convicted murderer of millionaire William
Marsh Rice, he had not as yet
come to any decision in the matter.
"I have no appointment with any of
Patrick's attorneys," said the Governor,
"nor have I any word from them
that Patrick's application to have his
case reviewed by the United States Supreme
Court has been withdrawn."
"I could not act in any event until this
application has been withdrawn."

"With the case out of the United
States Supreme Court, Patrick, it
seems to me, would again have to be
resentenced before I could intercede,
should I determine so to do. I would
be required to have Patrick's application
for a commutation of sentence in order
to act. If I have personal knowledge
of reasons why clemency should be
granted, I can intercede in his behalf
on my own motion."

The Governor added that he had made
no promise to any one, directly or
indirectly, that he would reconsider Pat-
rick's case.

Even if Gov. Higgins should extend
clemency to Patrick, the lawyer will
not stop his fight at a commutation
of his sentence to life imprisonment,
but will go on in the courts to
secure a new trial and thus attempt to
gain his liberty and prove to the world
that he is innocent.

When told last evening in his cell at
Sing Sing of the Governor's intention
to commute Patrick's sentence, he said
he was not moved in the least.

Nor was his wife when a reporter
told her that her husband had been
denied clemency and that he would not
have to suffer death.

"We have firm faith," she said, "as
we have ever had, that in the end the
horrible charge will be proved out
and that Albert will come out
a free man."

John T. Milliken, the brother-in-law
of Patrick, who has been aiding him
in conducting the defense of the con-
demned man for years, will never give
up the battle until his relative is vindicated.

He is still searching for
evidence to support Jones' whose
testimony in the prosecution in the main
rested. Jones is said to be working on
the Panama Canal under an assumed
name, and it is understood that Mr.
Milliken is doing the same thing.

Lawyer Patrick's health is said to be
excellent. He is hearty and robust and
able to keep up his celebrated night
life and freedom, and his friends with
decidedly good John as his health and
his fine mind are concerned, there is no
danger of failure in their efforts.

"He has never believed that he would
be put to death, and I think he did not
commit his wife said. He had too
much confidence in mankind and too
much faith in himself and his brother
lawyer and in me."

The publicans near Patrick, many
of whom have come to know well and
to have a great respect for him, were
much elated when told of his good fortune.

Just when the Governor will issue the
commutation which he has decided upon
is not given out, but that he has made
up his mind to see that the lawyer is not
denied to those who are in possession
of the facts.

The division of the Court of Appeals
when the conviction of Patrick was
annulled is set to be left unanswered
as the Governor has in view in the deter-
mination to set aside the death penalty.

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